

105TH CONGRESS  
1ST SESSION

# H. R. 449

To provide for the orderly disposal of certain Federal lands in Clark County, Nevada, and to provide for the acquisition of environmentally sensitive lands in the State of Nevada.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 20, 1997

Mr. ENSIGN introduced the following bill; which was referred to the  
Committee on Resources

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## A BILL

To provide for the orderly disposal of certain Federal lands in Clark County, Nevada, and to provide for the acquisition of environmentally sensitive lands in the State of Nevada.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Southern Nevada Pub-  
5       lic Land Management Act of 1997”.

6       **SEC. 2. FINDINGS AND PURPOSE.**

7       (a) FINDINGS.—The Congress finds the following:

1           (1) The Bureau of Land Management has ex-  
2           tensive land ownership in small and large parcels  
3           interspersed with or adjacent to private land in the  
4           Las Vegas Valley, Nevada, making many of these  
5           parcels difficult to manage and more appropriate for  
6           disposal.

7           (2) In order to promote responsible and orderly  
8           development in the Las Vegas Valley, certain of  
9           those Federal lands should be sold by the Federal  
10          Government based on recommendations made by  
11          local government and the public.

12          (3) The value of Federal lands in the Las  
13          Vegas Valley is enhanced by local infrastructure im-  
14          provements which are paid for by local government.

15          (4) The Las Vegas metropolitan area is the  
16          fastest growing urban area in the United States,  
17          which is causing significant impacts upon the Lake  
18          Mead National Recreation Area, the Red Rock Can-  
19          yon National Conservation Area, and the Spring  
20          Mountains National Recreation Area, which sur-  
21          round the Las Vegas Valley.

22          (b) PURPOSE.—The purpose of this Act is to provide  
23          for the orderly disposal of certain Federal lands in Clark  
24          County, Nevada, and to provide for the acquisition of envi-  
25          ronmentally sensitive lands in the State of Nevada.

1 **SEC. 3. DEFINITIONS.**

2 As used in this Act:

3 (1) The term “Secretary” means the Secretary  
4 of the Interior.

5 (2) The term “Secretaries” means the Sec-  
6 retary of the Interior and the Secretary of Agri-  
7 culture.

8 (3) The term “unit of local government” means  
9 Clark County, the City of Las Vegas, the City of  
10 North Las Vegas, or the City of Henderson; all in  
11 the State of Nevada.

12 (4) The term “Agreement” means the agree-  
13 ment entitled “The Interim Cooperative Manage-  
14 ment Agreement Between The United States De-  
15 partment of the Interior—Bureau of Land Manage-  
16 ment and Clark County”, dated November 4, 1992.

17 (5) The term “special account” means the ac-  
18 count in the Treasury of the United States estab-  
19 lished under section 4(e)(1)(C).

20 (6) The term “Recreation and Public Purposes  
21 Act” means the Act entitled “An Act to authorize  
22 acquisition or use of public lands by States, counties,  
23 or municipalities for recreational purposes”, ap-  
24 proved June 14, 1926 (43 U.S.C. 869 et seq.).

25 (7) The term “regional governmental entity”  
26 means the Southern Nevada Water Authority, the

1 Regional Flood Control District, and the Clark  
2 County Sanitation District.

3 **SEC. 4. DISPOSAL AND EXCHANGE.**

4 (a) DISPOSAL.—Notwithstanding the land use plan-  
5 ning requirements contained in sections 202 and 203 of  
6 the Federal Land Policy and Management Act of 1976  
7 (43 U.S.C. 1711 and 1712), the Secretary, in accordance  
8 with this Act, the Federal Land Policy and Management  
9 Act of 1976, and other applicable law, is authorized to  
10 dispose of lands within the boundary of the area under  
11 the jurisdiction of the Direction of the Bureau of Land  
12 Management in Clark County, Nevada, as generally de-  
13 picted on the map entitled “Las Vegas Valley, Nevada,  
14 Land Disposal Map”, numbered \_\_\_\_\_, and dated  
15 \_\_\_\_\_. Such map shall be on file and available for pub-  
16 lic inspection in the offices of the Director and the Las  
17 Vegas District of the Bureau of Land Management.

18 (b) RESERVATION FOR LOCAL PUBLIC PURPOSES.—

19 (1) RECREATION AND PUBLIC PURPOSE ACT  
20 CONVEYANCES.—Not less than 30 days before the  
21 offering of lands for sale or exchange pursuant to  
22 subsection (a), the State of Nevada or the unit of  
23 local government in whose jurisdiction the lands are  
24 located may elect to obtain any such lands for local  
25 public purposes pursuant to the Recreation and

1 Public Purposes Act. Pursuant to any such election,  
2 the Secretary shall segregate the elected lands in the  
3 name of the State of Nevada or such unit of the  
4 local government.

5 (2) RIGHTS-OF-WAY.—

6 (A) ISSUANCE.—Upon application, by a  
7 unit of local government or regional govern-  
8 mental entity, the Secretary, in accordance with  
9 this Act and the Federal Land Policy and Man-  
10 agement Act of 1976, shall issue right-of-way  
11 grants on Federal lands in Clark County, Ne-  
12 vada, for all reservoirs, canals, channels,  
13 ditches, pipes, pipelines, tunnels and other fa-  
14 cilities and systems needed for—

15 (i) the impoundment, storage, treat-  
16 ment, transportation or distribution of  
17 water (other than water from the Virgin  
18 River) or wastewater; or

19 (ii) flood control management.

20 (B) DURATION.—Right-of-way grants is-  
21 sued under this paragraph shall be valid in per-  
22 petuity.

23 (C) WAIVER OF FEES.—Right-of-way  
24 grants issued under this paragraph shall not re-

1           quire the payment of rental or cost recovery  
2           fees.

3           (3) YOUTH ACTIVITY FACILITIES.—Notwith-  
4           standing any other provision of law, the Secretary  
5           shall make available to Clark County, Nevada, the  
6           land depicted on the map entitled “Las Vegas Valley  
7           Youth Facilities Map”, numbered \_\_\_\_\_ and  
8           dated \_\_\_\_\_, in accordance with the Recreation  
9           and Public Purposes Act for the construction of  
10          youth activity facilities.

11          (c) WITHDRAWAL.—Subject to valid existing rights,  
12          all Federal lands identified in subsection (a) for disposal  
13          are withdrawn from location, entry, and patent under the  
14          mining laws and from operation under the mineral leasing  
15          and geothermal leasing laws.

16          (d) SELECTION.—

17               (1) JOINT SELECTION REQUIRED.—The Sec-  
18          retary and the unit of local government in whose ju-  
19          risdiction lands referred to in subsection (a) are lo-  
20          cated shall jointly select lands to be offered for sale  
21          or exchange under this section. The Secretary shall  
22          coordinate land disposal activities with the unit of  
23          local government in whose jurisdiction such lands  
24          are located. Land disposal activities of the Secretary

1 shall be consistent with local land use planning and  
2 zoning requirements and recommendations.

3 (2) OFFERING.—After land has been selected in  
4 accordance with this subsection, the Secretary shall  
5 make the first offering of land as soon as practicable  
6 after the date of enactment of this Act.

7 (e) DISPOSITION OF PROCEEDS.—

8 (1) LAND SALES.—Of the gross proceeds of  
9 sales of land under this subsection in a fiscal year—

10 (A) 5 percent shall be paid directly to the  
11 State of Nevada for use in the general edu-  
12 cation program of the State;

13 (B) 10 percent shall be paid directly to the  
14 Southern Nevada Water Authority for water  
15 treatment and transmission facility infrastruc-  
16 ture in Clark County, Nevada; and

17 (C) the remainder shall be deposited in a  
18 special account in the Treasury of the United  
19 States for use pursuant to the provisions of  
20 paragraph (3).

21 Amounts in the special account shall be available to  
22 the Secretaries without further appropriation and  
23 shall remain available until expended.

24 (2) LAND EXCHANGES.—In the case of a land  
25 exchange under this section, the non-Federal party

1 shall provide direct payments to the State of Nevada  
2 and the Southern Nevada Water Authority in ac-  
3 cordance with paragraphs (1) (A) and (B). The pay-  
4 ments shall be based on the appraised fair market  
5 value of the Federal lands to be conveyed in the ex-  
6 change and shall be considered a cost incurred by  
7 the non-Federal party that may be compensated by  
8 the Secretary pursuant to any agreement to initiate  
9 exchange.

10 (3) AVAILABILITY OF SPECIAL ACCOUNT.—

11 (A) IN GENERAL.—Amounts deposited in  
12 the special account may be expended by the  
13 Secretaries, acting jointly, for—

14 (i) the acquisition of environmentally  
15 sensitive land in the State of Nevada in ac-  
16 cordance with subsection (h), with priority  
17 given to lands located within Clark County;

18 (ii) capital improvements at the Lake  
19 Mead National Recreation Area, the  
20 Desert National Wildlife Refuge, the Red  
21 Rock Canyon National Conservation Area  
22 and other areas administered by the Bu-  
23 reau of Land Management in Clark Coun-  
24 ty, and the Spring Mountains National  
25 Recreation Area;



1 (iii) development of a multispecies  
2 habitat conservation plan in Clark County,  
3 Nevada;

4 (iv) development of parks, trails, and  
5 natural areas in Clark County, Nevada,  
6 pursuant to a cooperative agreement with  
7 a unit of local government; and

8 (v) reimbursement of costs incurred  
9 by the local offices of the Bureau of Land  
10 Management in arranging sales or ex-  
11 changes under this Act.

12 (B) PROCEDURES.—The Secretaries shall  
13 jointly develop procedures for the use of the  
14 special account that ensure accountability and  
15 demonstrated results.

16 (C) LIMITATION.—Not more than 50 per-  
17 cent of the amounts available to the Secretaries  
18 from the special account in any fiscal year (de-  
19 termined without taking into account amounts  
20 deposited under subsection (g)(4)) may be used  
21 in any fiscal year for the purposes described in  
22 subparagraph (A)(ii).

23 (f) INVESTMENT OF SPECIAL ACCOUNT.—All funds  
24 deposited as principal in the special account shall earn in-  
25 terest in the amount determined by the Secretary of the

1 Treasury on the basis of the current average market yield  
2 on outstanding marketable obligations of the United  
3 States of comparable maturities. Such interest shall be  
4 added to the principal of the account and expended ac-  
5 cording to the provisions of subsection (e)(3).

6 (g) AIRPORT ENVIRONS OVERLAY DISTRICT LAND  
7 TRANSFER.—Upon request of Clark County, Nevada, the  
8 Secretary shall transfer to Clark County, Nevada, without  
9 consideration, all right, title, and interest of the United  
10 States in and to the lands identified in the Agreement,  
11 subject to the following:

12 (1) Valid existing rights.

13 (2) Clark County agrees to manage such lands  
14 in accordance with the Agreement and with section  
15 47504 of title 49, United States Code (relating to  
16 airport noise compatibility planning), and regula-  
17 tions promulgated pursuant to that section.

18 (3) Clark County agrees that if any of such  
19 lands are sold or leased by Clark County, such sale  
20 or lease shall contain a limitation which requires  
21 uses compatible with the Agreement and such Air-  
22 port Noise Compatibility Planning provisions.

23 (4) Clark County agrees that if any of such  
24 lands are sold or leased by Clark County, such lands  
25 shall be sold or leased for fair market value. Clark

1 County shall contribute 85 percent of the gross pro-  
2 ceeds from the sale or lease of such lands directly  
3 to the special account. If any of such lands sold or  
4 leased by Clark County are identified on the map  
5 referenced in section 2(a) of the Act entitled “An  
6 Act to provide for the orderly disposal of certain  
7 Federal lands in Nevada and for the acquisition of  
8 certain other lands in the Lake Tahoe Basin, and  
9 for other purposes”, approved December 23, 1980  
10 (94 Stat. 3381; commonly known as the “Santini-  
11 Burton Act”), the proceeds contributed to the spe-  
12 cial account by Clark County from the sale or lease  
13 of such lands shall be used by the Secretary of Agri-  
14 culture to acquire environmentally sensitive land in  
15 the Lake Tahoe Basin pursuant to section 3 of the  
16 Santini-Burton Act. Clark County shall contribute 5  
17 percent of the gross proceeds from the sale or lease  
18 of such lands directly to the State of Nevada for use  
19 in the general education program of the State, and  
20 the remainder shall be available for use by the Clark  
21 County Department of Aviation for the benefit of  
22 airport development and the Noise Compatibility  
23 Program.  
24 (h) ACQUISITIONS.—

1           (1) DEFINITION.—For purposes of this sub-  
2           section, the term “environmentally sensitive land”  
3           means land or an interest in land, the acquisition of  
4           which the United States would, in the judgment of  
5           the Secretary of the Interior or the Secretary of Ag-  
6           riculture—

7                   (A) promote the preservation of natural,  
8                   scientific, aesthetic, historical, cultural, water-  
9                   shed, wildlife, and other values contributing to  
10                  public enjoyment and biological diversity;

11                  (B) enhance recreational opportunities and  
12                  public access;

13                  (C) provide the opportunity to achieve bet-  
14                  ter management of public land through consoli-  
15                  dation of Federal ownership; or

16                  (D) otherwise serve the public interest.

17           (2) IN GENERAL.—After the consultation proc-  
18           ess has been completed in accordance with para-  
19           graph (3), the Secretaries may acquire by donation,  
20           purchase with donated or appropriated funds, or ex-  
21           change environmentally sensitive land and interests  
22           in environmentally sensitive land. Lands may not be  
23           acquired under this section without the consent of  
24           the owner thereof.

1           (3) CONSULTATION.—Before initiating efforts  
2           to acquire land under this subsection, the Secretary  
3           of the Interior or the Secretary of Agriculture shall  
4           consult with the State of Nevada and with local gov-  
5           ernment within whose jurisdiction the lands are lo-  
6           cated, including appropriate planning and regulatory  
7           agencies, and with other interested persons, concern-  
8           ing the necessity of making the acquisition, the po-  
9           tential impacts on State and local government, and  
10          other appropriate aspects of the acquisition. Con-  
11          sultation under this paragraph is in addition to any  
12          other consultation required by law.

13          (4) ADMINISTRATION.—On acceptance of title  
14          by the United States, land and interests in land ac-  
15          quired under this subsection that is within the  
16          boundaries of a unit of the National Forest System,  
17          National Park System, National Wildlife Refuge  
18          System, National Wild and Scenic Rivers System,  
19          National Trails System, National Wilderness Preser-  
20          vation System, any other system established by Act  
21          of Congress, or any national conservation or national  
22          recreation area established by Act of Congress—

23                 (A) shall become part of the unit or area  
24                 without further action by the Secretary of the  
25                 Interior or Secretary of Agriculture; and

1 (B) shall be managed in accordance with  
2 all laws and regulations and land use plans ap-  
3 plicable to the unit or area.

4 (5) DETERMINATION OF FAIR MARKET  
5 VALUE.—The fair market value of land or an inter-  
6 est in land to be acquired by the Secretary of the  
7 Interior or the Secretary of Agriculture under this  
8 subsection shall be determined pursuant to section  
9 206 of the Federal Land Policy and Management  
10 Act of 1976 and shall be consistent with other appli-  
11 cable requirements and standards. Fair market  
12 value shall be determined without regard to the pres-  
13 ence of a species listed as threatened or endangered  
14 under the Endangered Species Act of 1973 (16  
15 U.S.C. 1531 et seq.).

16 (6) PAYMENTS IN LIEU OF TAXES.—Section  
17 6901(1) of title 31, United States Code, is amend-  
18 ed—

19 (A) by striking “or” at the end of subpara-  
20 graph (F);

21 (B) by striking the period at the end of  
22 subparagraph (G) and inserting “; or”; and

23 (C) by adding at the end the following:

24 “(H) acquired by the Secretary of the Inte-  
25 rior or the Secretary of Agriculture under sec-

1           tion 5 of the Southern Nevada Public Land  
2           Management Act of 1996 that is not otherwise  
3           described in subparagraphs (A) through (G).”.

4           (i) REPORT.—The Secretary of the Interior, in co-  
5           operation with the Secretary of Agriculture, shall submit  
6           to the Committee on Energy and Natural Resources of  
7           the Senate and the Committee on Resources of the House  
8           of Representatives an annual report on all transactions  
9           under this section.

10          (j) TRANSFER OF REVERSIONARY INTEREST.—

11           (1) IN GENERAL.—Upon request by a grantee  
12           of lands within Clark County, Nevada, that are sub-  
13           ject to a lease or patent issued under the Recreation  
14           and Public Purposes Act, the Secretary may transfer  
15           the reversionary interest in such lands to other non-  
16           Federal lands. The transfer of the reversionary in-  
17           terest shall only be made to lands of equal value, ex-  
18           cept that with respect to the State of Nevada or a  
19           unit of local government an amount equal to the ex-  
20           cess (if any) of the fair market value of lands re-  
21           ceived by the unit of local government over the fair  
22           market value of lands transferred by the unit of  
23           local government shall be paid to the Secretary and  
24           shall be treated under subsection (e)(1) of this sec-  
25           tion as proceeds from the sale of land. For purposes

1 of this subsection, the fair market value of lands to  
2 be transferred by the State of Nevada or a unit of  
3 local government may be based upon a statement of  
4 value prepared by a qualified appraiser.

5 (2) TERMS AND CONDITIONS APPLICABLE TO  
6 LANDS ACQUIRED.—Land selected under this sub-  
7 section by a grantee described in paragraph (1) shall  
8 be subject to the terms and conditions, uses, and  
9 acreage limitations of the lease or patent to which  
10 the lands transferred by the grantee were subject,  
11 including the reverter provisions, under the Recre-  
12 ation and Public Purposes Act.

13 (k) AFFORDABLE HOUSING.—The Secretary, in con-  
14 sultation with the Secretary of Housing and Urban Devel-  
15 opment, may make available land in the State of Nevada  
16 in accordance with the Recreation and Public Purposes  
17 Act for affordable housing purposes. Such lands shall be  
18 made available only to State or local governmental enti-  
19 ties, including local public housing authorities. For the  
20 purposes of this subsection, housing shall be considered  
21 to be affordable housing if the housing is assisted under  
22 the United States Housing Act of 1937 (42 U.S.C. 1437  
23 et seq.).

24 (l) BOUNDARY MODIFICATION OF RED ROCK CAN-  
25 YON NATIONAL CONSERVATION AREA.—Section 3(a)(2)



1 of the Red Rock Canyon National Conservation Area Es-  
2 tablishment Act of 1990 (16 U.S.C. 460ccc–1(a)(2)) is  
3 amended to read as follows:

4           “(2) The conservation area shall consist of ap-  
5 proximately \_\_\_\_\_ acres as generally depicted on  
6 the map entitled ‘Red Rock Canyon National Con-  
7 servation Area—Proposed Modification’, numbered  
8 \_\_\_\_\_, and dated \_\_\_\_\_.”.

○